

02-18-04

Image AF/1632

**AMENDMENT & TRANSMITTAL LETTER (Small Entity)**

Applicant(s): Richard J. Whitley et al.

Docket No.

UAB-16102/22

Serial No.  
10/009,972

FEB 17 2004

Filing Date  
February 14, 2002Examiner  
Scott David PriebeGroup Art Unit  
1632

**Invention: HERPES SIMPLEX VIRUS EXPRESSING FOREIGN GENES AND METHOD THEREWITH  
FOR TREATING CANCERS THEREWITH**

**TO THE COMMISSIONER FOR PATENTS:**

Transmitted herewith is an amendment in the above-identified application.

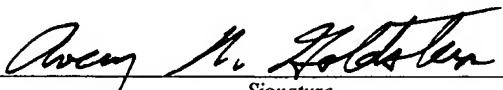
- Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.
- A verified statement to establish Small Entity status under 37 CFR 1.27 is enclosed.

The fee has been calculated and is transmitted as shown below.

**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	21 -	21 =	0	x \$9.00	\$0.00
INDEP. CLAIMS	6 -	3 =	3	x \$43.00	\$129.00
Multiple Dependent Claims (check if applicable)		<input type="checkbox"/>			\$0.00
				TOTAL ADDITIONAL FEE FOR THIS AMENDMENT	\$129.00

- No additional fee is required for amendment.
- Please charge Deposit Account No. in the amount of
- A check in the amount of \$129.00 to cover the filing fee is enclosed.
- The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 07-1180
- Any additional filing fees required under 37 C.F.R. 1.16.
- Any patent application processing fees under 37 CFR 1.17.



Signature

Avery N. Goldstein, Reg. No. 39,204

Attorney for Applicant

Gifford, Krass, Groh, Sprinkle,  
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Birmingham, MI 48009-5394

(248) 647-6000

Dated:

February 12, 2004

EV394967133US

I certify that this document and fee is being deposited on  
**Feb. 17, 2004** with the U.S. Postal Service as first  
 class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner  
 for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. **VIA  
EXPRESS MAIL**



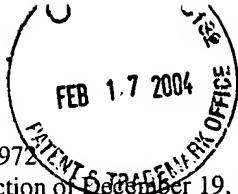
Signature of Person Mailing Correspondence

Janice R. Kuehn

Typed or Printed Name of Person Mailing Correspondence

cc:

Serial No. 10/009,972  
Reply to Office Action of December 19, 2003



Attorney Docket No. UAB-16102/22

**RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1600**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Richard J. Whitley et al.

Serial No.: 10/009,972

Group Art Unit: 1632

Filing Date: February 14, 2002

Examiner: Scott David Priebe

For: HERPES SIMPLEX VIRUS EXPRESSING FOREIGN GENES  
AND METHOD FOR TREATING CANCERS THEREWITH

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**AMENDMENT UNDER RULE 116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the final Office Action mailed 19 December 2003, entry of the following amendment is requested to place the application in condition for allowance, or at least in better condition for appeal. Please amend the above-identified application as follows:

02/19/2004 SZEWDIE1 00000132 10009972

01 FC:2201

129.00 OP